

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Leonard Green
Clerk

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Filed: July 05, 2012

Andre Mahan
F.C.I. Texarkana
P.O. Box 7000
Texarkana, TX 75505

Re: Case No. 12-3237, *In re: Andre Mahan*
Originating Case No. : 3:04-CR-189-1

Dear Mr. Mahan,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Julie Brock
Case Manager
Direct Dial No. 513-564-7011

cc: Clerk of the U.S. District Court for the Southern District of Ohio

Enclosure

No mandate to issue

No. 12-3237

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

In re: ANDRE MAHAT

Petitioner.

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FILED
Jul 05, 2012

LEONARD GREEN, Clerk

Before: KENNEDY, SILER, and SUTTON, Circuit Judges.

Andre Mahan petitions the court for a writ of mandamus, asking the court to compel the district court to rule on his motion for reduction of sentence. In response, the district court states that it ordered a response to the motion for reduction of sentence and that it will promptly rule on the motion upon receipt of the response and any reply. Mahan now moves for summary judgment, alleging that the district court's response was untimely filed. Additionally, he moves to proceed *in forma pauperis*.

“[M]andamus relief is an extraordinary remedy.” *John B. v. Goetz*, 531 F.3d 448, 457 (6th Cir. 2008) (quoting *In re Perrigo Co.*, 128 F.3d 430, 435 (6th Cir. 1997)). Although we look unfavorably upon inexplicable delays on the part of the district court in deciding cases, *see Ball v. Wagers*, 795 F.2d 579, 581 (6th Cir. 1986), we allow some latitude in timely reviewing motions before it. *See In re Cox*, No. 90-8520, 1990 WL 85337 (6th Cir. June 22, 1990). The district court’s response demonstrates that it is actively engaged in reviewing Mahan’s motion and that an order is forthcoming.

The petition for a writ of mandamus is **DENIED**. The motions for summary judgment and to proceed *in forma pauperis* are **DENIED AS MOOT**.

ENTERED BY ORDER OF THE COURT

Freud, Sigmund

Clerk